

REMARKS

Claims 14, 15, 19, 23-26, 28-29, 32, 37, 38, 41-44, 46 and 47 are pending in the application. Claims 32, 37, 38, 46 and 47 have been allowed. Claims 23, 24, 26, 41, 42 and 44 have been amended. No new matter has been entered.

After entering of this amendment, claims 14, 15, 19, 23-26, 28-29, 32, 37, 38, 41-44, 46 and 47 will be pending in this application. The Applicants respectfully request that the Examiner review the amended claims and the remarks as follows.

Response to Preliminary Amendment Comments

In this response, the Applicants have properly cancelled claims 1-13 in the listing of the claims. The Applicants have also amended the continuation data as suggested in the Office Action on page 2. The Applicants have amended the filing date of Application No. 09/439,615 to its properly filing date of November 12, 1999. Furthermore, the Applicants have indicated that Application No. 10/287,137, which had been allowed at the time of the filing of the Preliminary Amendment on September 30, 2003, has issued as U.S. Patent No. 6,666,988. No other changes were done in the section entitled "Related Applications."

35 U.S.C. § 112, Second Paragraph, Rejection

To obviate the 35 U.S.C. § 112, second paragraph, rejection, claims 23, 24, 26, 41, 42 and 44 have been amended to be dependent on their respective independent claim. Thus, this rejection applied to claims 23-26 and 41-44 should be overcome.

Obviousness-Type Double Patenting

After all of the other rejections have been withdrawn, the Applicants will file a terminal disclaimer to obviate the judicially created doctrine of obviousness-type double patenting on claims 14-15, 19, 23-26 and 28-29 over claims 1-36 of U.S. Patent No. 6,666,988.

Conclusion

The Applicants submit that the claims are in a condition for allowance and action toward that end is earnestly solicited. No new matter has been entered. The Applicants have included a

complete listing of all the claims, including the cancelled and withdrawn claims. Thus, the amendment should be in proper form. The Applicants respectfully request that the amended claims be entered and the application be reviewed in view of the following comments. It is believed that no further fees are due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47097-00962USC1.

Dated: December 10, 2004



John C. Gatz
Reg. No. 41,774
JENKENS & GILCHRIST, P.C.
225 West Washington Street, Suite 2600
Chicago, IL 60606-3418
(312) 425-3900

Attorneys for Applicants

